

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

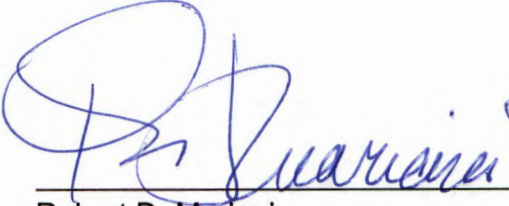
ANTHONY V. CAIBY,	:	Civil No. 3:18-cv-1120
	:	
Plaintiff	:	(Judge Mariani)
	:	
v.	:	
	:	
WARDEN GARY HAIDLE, <i>et al.</i> ,	:	
	:	
Defendants	:	

**ORDER**

**AND NOW**, this 16th day of January, 2021, upon consideration of Plaintiff's motions (Docs. 46, 54) for leave to amend the complaint, wherein he seeks leave to add "medical", Monroe County, and PrimeCare as Defendants in this action, and it being well-settled that a department within a correctional institution, such as a medical department, does not qualify as a person within the meaning of the 42 U.S.C. § 1983, *see, e.g., Fischer v. Cahill*, 474 F.2d 991, 992 (3d Cir. 1973) (per curiam) (holding that the New Jersey Prison Medical Department is a state agency that cannot be sued under § 1983 because it is not a person), **IT IS HEREBY ORDERED THAT:**

1. The motions (Docs. 46, 54) are **GRANTED** in part and **DENIED** in part as follows.
2. Plaintiff's request to add the medical department as a Defendant in this action is **DENIED**.

3. Plaintiff's request to add Monroe County and PrimeCare as Defendants in this action is **GRANTED**. The Clerk of Court is directed to **ADD** Monroe County and PrimeCare as Defendants in the above-captioned action.

A handwritten signature in blue ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani  
United States District Judge